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Form 10
[Rule 3.25]

COURT FILE NUMBER	1203 16048
COURT	COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE	EDMONTON
PLAINTIFFS	CAROL EDITH MACKECHNIE by her Litigation Representative, ANDREW DOUGLAS MACKECHNIE and HER MAJESTY THE QUEEN IN RIGHT OF ALBERTA
DEFENDANTS	EDMONTON NORTHLANDS operating as NORTHLANDS PARK, EDMONTON NORTHLANDS and THE CANADIAN PROFESSIONAL RODEO ASSOCIATION
DOCUMENT	STATEMENT OF CLAIM
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	James H. Brown & Associates Barristers and Solicitors #2400, 10123 - 99 Street Edmonton, AB T5J 3H1 Attention: David A. Huculak Telephone: 780-428-0088 Facsimile: 780-428-7788 File No.: 13516-9 DAH

Clerk's Stamp



NOTICE TO DEFENDANTS

You are being sued. You are a defendant.

Go to the end of this document to see what you can do and when you must do it.

Statement of facts relied on:

1. The Plaintiff, Carol Edith MacKechnie ("MacKechnie"), resides in the City of Edmonton, in the Province of Alberta.

2. The Plaintiff Her Majesty the Queen in Right of Alberta (the "Crown"), has provided health care services to MacKechnie as a result of an accident at the Canadian Finals Rodeo and is named as a Plaintiff pursuant to Part 5 of the *Hospitals Act*, R.S.A. 2000, c. H-12, as amended.
3. The Defendant Edmonton Northlands, operating as Northlands Park, is a Trade Name registered pursuant to the laws of the Province of Alberta, carrying on business in the City of Edmonton and elsewhere in the Province of Alberta.
4. The Defendant Edmonton Northlands is a non-profit public company registered pursuant to the laws of the Province of Alberta, carrying on business in the City of Edmonton and elsewhere in the Province of Alberta.
5. The Defendant The Canadian Profession Rodeo Association is a non-profit corporation extra-provincially registered pursuant to the laws of the Province of Alberta, carrying on business in the City of Edmonton and elsewhere in the Province of Alberta.
6. On or about November 12, 2010, MacKechnie and her husband were in attendance at the Canadian Finals Rodeo ("CFR") at Rexall Place, in the City of Edmonton, Province of Alberta. They were seated in the first row of the spectator stands and were watching the bull-riding event. A bull named Rewind (the "Bull") being ridden by Tanner Girletz, entered the arena. Tanner Girletz was quickly thrown from the Bull after which the Bull proceeded to run along the perimeter of the arena surface for some distance. The Bull reached the area where MacKechnie and her husband were sitting and, suddenly and without warning, jumped over the fence railing in front of them, landing in the stands and crushing MacKechnie (the "Incident").
7. The Defendants owed a duty of care to MacKechnie to ensure that she would be reasonably safe while attending the CFR.
8. The Incident was caused by the breach of the Defendants, or of one or more of them, of the common duty of care and/or by the negligence of the Defendants and/or their employees, for which the Defendants are vicariously liable, particulars of which negligence include:
 - i) Failing to install a fence that was of adequate height to protect spectators from escaped animals;
 - ii) Failing to warn MacKechnie adequately or at all of the presence of any danger, hazard or unsafe condition;
 - iii) Failing to take reasonable care to see that MacKechnie would be reasonably safe while attending the CFR;

- iv) Failing to properly train and/or supervise their employees;
 - v) Failing to harness or corral the Bull prior to it jumping the fence, when there was ample time to do so;
 - vi) Failing to ensure adequate staffing to restrain the Bull prior to it jumping the fence;
 - vii) Using the Bull at this level of competition when the Bull had never been in a major indoor rodeo before;
 - viii) Playing very loud rock music before and during the Bull's ride, as well as loud sound effects and flash lighting, which they knew or ought to have known, would aggravate and excite the Bull; and
 - ix) Such further and other particulars as may be proven at the trial of this action.
9. As a result of the Incident, MacKechnie suffered personal injuries, particulars of which include:
- i) Fractured pelvis;
 - ii) Fractured cheek bone;
 - iii) Fractured orbital bone;
 - iv) Extensive contusions and abrasions;
 - v) Musculoskeletal and neurological injuries;
 - vi) Loss of consciousness;
 - vii) Extensive internal injuries;
 - viii) Acceleration of pre-existing early on-set Alzheimer disease;
 - ix) Post-traumatic stress disorder;
 - x) Loss of enjoyment of amenities of life;
 - xi) Mental anguish associated with the above; and

- xii) Such further and other particulars as may be proven at the trial of this action.

10. As a result of the injuries suffered in the Incident, MacKechnie has:

- i) Incurred expenses for treatment, medication and transportation to obtain same;
- ii) Required painful therapy for her rehabilitation;
- iii) Been restricted in her ability to carry out her domestic responsibilities and recreational activities; and
- iv) Been rendered more susceptible to future injury and degenerative changes.

11. The Crown claims for the cost of health services provided, or likely to be provided to the MacKechnie for the injuries suffered as a result of the Incident, pursuant to section 62 of the *Hospitals Act*, R.S.A. 2000, c. H-12, as amended, which services include, but are not limited to:

- i) Inpatient and outpatient services provided in a hospital or other facility;
- ii) Health services as defined in the *Alberta Health Care Insurance Act*;
- iii) Transportation services, including air and ground ambulance services;
- iv) Public health services;
- v) Mental health services;
- vi) Drug services;
- vii) Any good or service prescribed to be a health service by the regulations made pursuant to the *Hospitals Act*.

12. Remedy sought:

A. By MacKechnie:

- i) General damages for pain, suffering and loss of enjoyment of life in the amount of \$175,000.00;

- ii) Special and other damages estimated at \$275,000.00;

B. By the Crown:

- i) Recovery of the cost of health and services provided or to be provided to MacKechnie in the estimated amount of \$50,000.00, full particulars of which will be proven at the trial of this action.

C. As to both Plaintiffs:

- i) Interest on the above claimed awards pursuant to the terms of the *Judgment Interest Act*, R.S.A. 2000, c. J-1 and amendments thereto;
- ii) Any applicable Goods and Services Tax pursuant to the terms of the *Excise Tax Act*, S.C. 1985, c. E-14, Part IX, and amendments thereto;
- iii) Costs indexed for inflation; and
- iv) Such further and other relief as this Honourable Court may allow.

NOTICE TO THE DEFENDANTS

You only have a short time to do something to defend yourself against this claim:

20 days if you are served in Alberta

1 month if you are served outside Alberta but in Canada

2 months if you are served outside Canada.

You can respond by filing a statement of defence or a demand for notice in the office of the clerk of the Court of Queen's Bench at Edmonton, Alberta, AND serving your statement of defence or a demand for notice on the plaintiff's address for service.

WARNING

If you do not file and serve a statement of defence or a demand for notice within your time period, you risk losing the law suit automatically. If you do not file, or do not serve, or are late in doing either of these things, a court may give a judgment to the plaintiff against you.